

Eric J. Branfman  
Philip J. Macres  
Michael J. Robbins  
Direct Phone: (202) 373-6553  
Direct Fax: (202) 424-7647  
eric.branfman@bingham.com  
philip.macres@bingham.com  
michael.robbs@bingham.com

Bingham McCutchen LLP  
Suite 300  
3000 K Street NW  
Washington, DC  
20007-5116

Our File No.: 0000320977

August 28, 2006

**VIA EMAIL & FEDERAL EXPRESS**

202.424.7500  
202.424.7647 fax

bingham.com

Boston

Hartford

London

Los Angeles

New York

Orange County

San Francisco

Silicon Valley

Tokyo

Walnut Creek

Washington

Bruce P. Beausejour  
Alexander Moore  
Verizon Massachusetts  
185 Franklin Street - 13th Floor  
Boston, MA 02110-1585

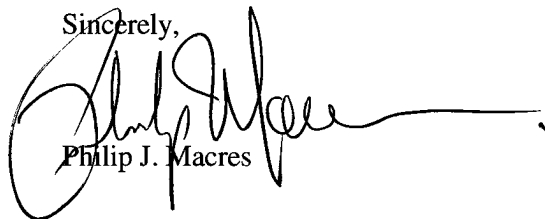
**Re: D.T.E. 06-61 –  
CLEC Coalition's Third Set of Data Requests to Verizon MA**

Dear Messrs. Beausejour and Moore:

Enclosed please find Broadview Networks, Inc.; DSCI Corporation; Eureka Telecom, Inc., d/b/a InfoHighway Communications; Metropolitan Telecommunications of Massachusetts, Inc., d/b/a MetTel; New Horizon Communications; and One Communications' (collectively "the CLEC Coalition") Third Set of Data Requests to Verizon Massachusetts in connection with the above-referenced matter.

If you have any questions, please contact me.

Sincerely,



Philip J. Macres

cc: D.T.E. 06-61 Service List

Investigation by the Department on its own motion as to the propriety of the rates and charges set forth in the following tariff: M.D.T.E. No. 14, filed with the Department on June 16, 2006, to become effective July 16, 2006, by Verizon New England, Inc. d/b/a Verizon-Massachusetts

Broadview Networks, Inc.; DSCI Corporation; Eureka Telecom, Inc., d/b/a InfoHighway Communications; Metropolitan Telecommunications of Massachusetts, Inc., d/b/a MetTel; New Horizon Communications; and One Communications (collectively "CLEC Coalition") hereby request that Verizon New England, Inc. d/b/a Verizon-Massachusetts ("Verizon") provide the data, information, and documents described below. Please provide your responses to Philip Macres, Bingham McCutchen LLP, 3000 K Street N.W., Suite 300, Washington, D.C., 20007, within five (5) business days.

1. "Verizon" and "Verizon-Massachusetts" refers to Verizon New England, Inc. d/b/a Verizon-Massachusetts, its subsidiaries, operating companies, affiliates, directors, officers, employees, and agents, unless otherwise indicated.

2. The terms "you" or "your" refer to Verizon and any and all affiliates thereof, including without limitation all former and present officers, attorneys, servants, agents, and representatives of Verizon.

3. "CLEC" refers to any competitive local exchange carrier.

4. The word "similar" is intended to be as comprehensive as possible.

5. The terms "and" and "or" have both conjunctive and disjunctive meanings as necessary to bring within the scope of the Requests documents that might otherwise be construed to be outside their scope.

6. "Document" means any written, printed, typed, or visually reproduced material of any kind, whether or not privileged, and includes, but is not limited to, the original and all copies of any and all letters, reports, memoranda, files, communications, correspondence, agreements, bills, receipts, studies, analyses, minutes, bulletins, instructions, literature, memoranda of conversations, notes, notebooks, data sheets, financial statements, work sheets, recordings, tapes, drawings, graphs, indexes, charts, telephone records, photographs, computer files, other data compilation, or any other written, recorded, transcribed, taped, filed, or other graphic matter including any draft of the foregoing items and any copy or reproduction of any of the foregoing items upon which any notation, work, figure, or form is recorded or has been made which does not appear on the original or as to whose existence, either past or present, the responding party has any knowledge or information.

7. The terms "identify" and "identity" when used with reference to a natural person mean to state his or her full name, present or last known address, present or last known telephone

number, present or last known place of employment, position or business affiliation, his or her position or business affiliation at the time in question, and a general description of the business in which he or she is engaged.

8. The terms "identify" and "identity" when used with respect to any other entity mean to state its full name, the address of its principal place of business, and the name of its chief executive officer.

9. The terms "identify" and "identity" with respect to a document mean to state the name or title of the document, the type of document (e.g., letter, memorandum, telegram, computer input or output, chart, etc.), its date, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian. If any such document was but no longer is in the possession, or subject to the control, of either you or your witnesses, state what disposition was made of such document and explain the circumstances surrounding, and the authorization for, such disposition, and state the date or approximate date thereof.

10. The terms "identify" and "identity" with respect to any non-written communication mean to state the identity of the natural person(s) making and receiving the communication, their respective principals or employers at the time of the communication, the date, manner, and place of communication, and the topic or subject matter of the communication.

### **INSTRUCTIONS**

A. The terms defined above and the individual Requests should be construed broadly to the fullest extent of their meaning in a good faith effort to comply with applicable law.

B. In these Requests, the singular shall also be treated as plural and vice-versa.

C. These Requests are to be answered by the corporate officers, employees, or agents of Verizon who know the requested information and are authorized to respond on its behalf.

D. In your response to each Request, list the name and title of the person or persons who prepared the response or who is responsible for the information contained therein.

E. The responses should include the name of any witness(es) who will be testifying on behalf of Verizon who will be prepared to answer questions relating to such responses. If, at the time that responses to these Requests are due, it has not been determined whether a witness will be testifying on behalf of Verizon who can answer questions relating to the responses, then provide the name of the Verizon representative most knowledgeable regarding the subject area of and information in each response.

F. If any part of a document is responsive to any Request, the whole document is to be produced.

G. Any alteration of a responsive document, including any marginal notes, handwritten notes, underlining, date stamps, received stamps, endorsed or filed stamps, drafts, revisions, modifications, and other versions of a final document is a separate and distinct document and must be produced.

H. If you are unable to produce a document in response to any Request, so state, and indicate whether the document ever existed, or whether the document once existed but cannot be located. If any document once was, but is no longer in your possession, custody or control, state the whereabouts of any such document when last in your possession, custody or control, state the

date and manner of its disposition and identify its last known custodian. To the extent any documents are lost or destroyed, produce any documents which support your assertion that the document was lost or destroyed, and provide the date thereof.

I. If any Request calls for the production of work papers or related documents relied upon by a witness in conducting his/her studies, include all work papers and other documents which were reviewed by the witness, even if the data, opinion, assumptions or recommendations contained in such documents were not used by the witness in his/her testimony.

J. These Requests are continuing in nature and therefore require you to submit supplemental answers or documents should additional responsive information become known or should documents supplied in response prove to be incorrect or defective.

K. If you object to any part of a Request, answer all parts of Request to which you do not object, and as to each part to which you do object, set forth the specific basis for objection.

L. To the extent you object to the production of any of the documents, please identify each and every document to which any objection to production is asserted by stating in writing a general description of the document, its title, number of pages, date of preparation, person(s) who prepared the document, any person(s) who received or reviewed the document in original or other form, and the current custodian(s) of each such document, and state in writing the nature and basis for each objection for each such document.

M. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to a Request contained in a non-written communication, state the following with respect to the non-written communication:

1. The date;
2. The identity of each of the participants in the non-written communication;
3. The identity of each person present during all or any part of the non-written communication;
4. A description of the non-written communication that is sufficient to identify the particular communication without revealing the information for which a privilege or protection from non-disclosure is claimed;
5. The nature of your claim of non-discoverability (e.g., attorney-client privilege); and
6. Each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit the CLEC Coalition to make a full determination as to whether your claim is valid.

N. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to a Request contained in a document, set forth with respect to the document:

1. The date and number of pages;
2. The identity of the author(s) or preparer(s);
3. The identity of the addressee, if any;
4. The title;
5. The type of tangible thing (e.g., letter, memorandum, telegram, chart, report, recording disc);
6. The subject matter (without revealing the information as to which privilege or protection from non-disclosure is claimed);
7. The identity of each person who has received the document or to whom knowledge of the contents of the document was communicated;
8. The identity of the present custodian(s);
9. The nature of your claim of non-discoverability (e.g., attorney-client privilege); and

10. The facts on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit the CLEC Coalition to make a full determination as to whether your claim is valid.

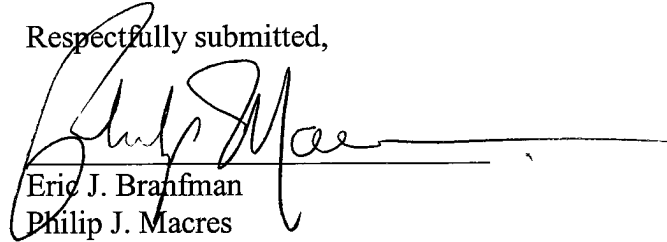
**CLEC COALITION'S  
THIRD SET OF DATA REQUESTS**

**CLEC Coalition 3-1:** In Verizon's response to CLEC Coalition 1-13(d), Verizon states that "Cost studies are not available for each of the individual service arrangements identified above" (Verizon failed to provide a similar response to 1-12(d) but we assume it would be the same). Since cost studies *per se* are not available, please provide a copy of all financial analyses and supporting Documents used in determining 2005 and 2006 ICB pricing, Facilities Based Pricing or any other customized pricing offered for any business and/or residential services. Verizon should also provide with this response all financial analyses and supporting Documents that demonstrate such prices are consistent with applicable law (including, but not limited to, Massachusetts law or Department Orders or Rules) and do not drop below any applicable price floors. The requested analyses and Documents should be provided in their native software format such as Microsoft Excel or WORD with all formulas and file links intact. The requested analyses and Documents should also reflect any calculations performed by Verizon to ascertain that its pricing meets DTE price floor or imputation requirements.

**CLEC Coalition 3-2:** In Verizon's response to CLEC Coalition 1-24 Verizon states "A Verizon Product Management cost study or analysis, on a per product basis, to determine compensation by product or service was not used in the design, structure and compensation levels established for these plans and therefore is not available." In light of this and with respect to the Verizon Solution Partner Plans provided in response to 1-24, please provide a copy of all

financial analyses and supporting Documents used in deriving the compensation levels in the Plans. The requested analyses and Documents should be provided in their native software format such as Microsoft Excel or WORD with all formulas and file links intact. The requested analyses and Documents should also include the Location Life Revenue model and any other comparable model as well as the results from using such models.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Philip J. Macres", is written over a horizontal line.

Eric J. Branfman

Philip J. Macres

Michael J. Robbins

Bingham McCutchen LLP

3000 K Street, N.W., Suite 300

Washington, DC 20007

Tel: (202) 424-7500

Fax: (202) 424-7645

E-mail: [Eric.Branfman@bingham.com](mailto:Eric.Branfman@bingham.com)

E-mail: [Philip.Macres@bingham.com](mailto:Philip.Macres@bingham.com)


E-mail: [Michael.Robbins@bingham.com](mailto:Michael.Robbins@bingham.com)

Counsel for Broadview Networks, Inc.; DSCI Corporation; Eureka Telecom, Inc., d/b/a InfoHighway Communications; Metropolitan Telecommunications of Massachusetts, Inc., d/b/a MetTel; New Horizon Communications; and One Communications

Date: August 28, 2006

## CERTIFICATE OF SERVICE

I certify that on this 28th day of August, 2006, a copy of the CLEC Coalition's Third Set of Data Requests to Verizon-Massachusetts in DTE 06-61 was sent to the individuals listed below via postage prepaid first class mail and electronic mail (unless otherwise noted) as follows: (1) overnight mail in lieu of first class mail (if noted with one asterisk); or (2) via electronic mail only (if noted with two asterisks).



Lori S. Williams

\*Mary Cottrell, Secretary  
Department of Telecommunications and  
Energy  
Telecommunications Division  
One South Station  
Boston, MA 02110

Jonathan B. Engel  
Assistant Attorney General,  
Utilities Division  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

\*Tina W. Chin, Hearing Officer  
\*Michael Isenberg, Director  
\*Paula Foley, Assistant General Counsel  
\*Berhane Adhanom, Analyst  
\*Stella Finn, Analyst  
Dept. of Telecommunications and Energy  
One South Station  
Boston, MA 02110

Gregory M. Kennan  
One Communications  
24 Albion Road, Suite 230  
Lincoln, RI 02865-3747

Bruce P. Beausejour  
Alexander Moore  
Verizon New England, Inc.  
d/b/a Verizon Massachusetts  
185 Franklin Street, 13th Floor  
Boston, MA 02110-1585

Jay E. Gruber  
Michelle Consalvo  
AT&T Enterprise Services, Inc.  
99 Bedford Street, 4th Floor  
Boston, MA 02111

Douglas Denny-Brown  
RNK, Inc. d/b/a RNK Telecom  
333 Elm Street  
Suite 300  
Dedham, MA 02026

\*\*Edward A. Yorkgitis, Jr.  
Kelley Drye Collier Shannon  
3050 K Street, N.W.  
Suite 400  
Washington, DC 20007-5108

Bruce D. Cohen, Esq.  
Associate General Counsel  
Verizon Communications  
P.O. Box 152092  
HQE03J27  
Irving, TX 75015

David Aronow  
President  
MetTel  
44 Wall Street, 6th Floor  
New York, NY 10005

Sean Dandley  
DSCI Corp.  
1050 Waltham Street  
Lexington, MA 02421

Glen Nelson  
New Horizon Communications  
335 Bear Hill Road  
Waltham, MA 02451

**\*\*Dana Hoyle**  
Manager of Regulatory Affairs  
Matrix Business Technologies  
2207 Commerce Street  
Dallas, Texas 75201

Robert J. Munnelly, Jr.  
Murtha Cullina LLP  
99 High Street, 20th Floor  
Boston, MA 02110

Charles C. Hunter  
Broadview Networks, Inc.  
800 Westchester Avenue  
Rye Brook, NY 10573

Kevin Donohue  
Eureka Telecom, Inc.  
d/b/a InfoHighway Communications  
175 Pinelawn Road, Suite 480  
Melville, NY 11747

William McCarthy  
Global Optimal Communications  
450 Main Street  
Springfield, MA 01105